

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

In re: John Paul Cimino,

Debtor.

Bankruptcy Case No.

21-80056-CRJ7

Tazewell T. Shepard, III, Chapter 7 Trustee,

Plaintiff,

v.

John Paul Cimino, et al.

Defendants.

Adversary Proceeding No.

22-80160-CRJ

**JOINT MOTION TO CONTINUE HEARING AND RELATED DEADLINES
ON FAMILY TRUST DEFENDANTS' MOTION TO DISMISS**

Sherri Thurman Cimino, as Trustee of the Cimino Family Trust ("Ms. Cimino"), the Cimino Family Trust ("Family Trust" and, together with Ms. Cimino, "Defendants"), and Tazewell T. Shepard, III, Chapter 7 Trustee ("Trustee" or "Plaintiff" and, together with the Defendants, "Movants"), by and through undersigned counsel, jointly move (this "Motion") this honorable Court to continue the hearing ("Hearing") currently scheduled for Monday, June 13, 2022, on the *Family Trust Defendants' Motion to Dismiss* (AP Doc. 10) ("Motion to Dismiss") and associated deadlines established by this Court's Order (AP Doc. 26) ("Order"). In support, the Movants state as follows:

1. On May 16, 2022, the Court held an initial Hearing on the Motion to Dismiss, the Trustee's *Motion for Leave to File First Amended Adversary Complaint and to Dismiss Defendant John Paul Cimino* (AP Doc. 16) ("Motion for Leave"), and related filings.

2. Following that Hearing, the Court entered its Order (i) granting the Trustee's Motion for Leave; (ii) instructing the Trustee to file a proposed amended complaint by 4:00 p.m. on Monday, June 6, 2022; (iii) continuing the Hearing on the Motion to Dismiss to Monday, June 13, 2022, at 10:00 a.m.; and (iv) instructing the Defendants to supplement their Motion to Dismiss to address the Trustee's proffered amendment by 4:00 p.m. on Friday, June 9, 2022. (AP Doc. 26).

3. Undersigned counsel for the Defendants will not be available to attend the Hearing on his clients' Motion to Dismiss on June 13, 2022.

4. Undersigned counsel for the Movants have met and conferred, and are agreeable to continuing the Hearing and associated deadline to any of the following proposed dates most convenient to the Court:

<u>Scheduled Event</u>	<u>Current Time</u>	<u>Proposed Time</u>
Plaintiff's Deadline to File Amended Complaint.	4:00 p.m. on Monday, June 6, 2022	4:00 p.m. on Wednesday, June 8, 2022
Defendants' Deadline to Supplement Motion to Dismiss	4:00 p.m. on Thursday, June 9, 2022	4:00 p.m. on Monday, June 13, 2022
Hearing	10:00 a.m. on Monday, June 13, 2022	10:00 a.m. on Wednesday, June 15, 2022

-or-

<u>Scheduled Event</u>	<u>Current Time</u>	<u>Proposed Dates</u>
Plaintiff's Deadline to File Amended Complaint.	4:00 p.m. on Monday, June 6, 2022	4:00 p.m. on Monday, July 11, 2022
Defendants' Deadline to Supplement Motion to Dismiss	4:00 p.m. on Thursday, June 9, 2022	4:00 p.m. on Thursday, July 14, 2022
Hearing	10:00 a.m. on Monday, June 13, 2022	10:00 a.m. on Monday, July 18, 2022

-or-

<u>Scheduled Event</u>	<u>Current Time</u>	<u>Proposed Dates</u>
Plaintiff's Deadline to File Amended Complaint.	4:00 p.m. on Monday, June 6, 2022	4:00 p.m. on Wednesday, July 13, 2022
Defendants' Deadline to Supplement Motion to Dismiss	4:00 p.m. on Thursday, June 9, 2022	4:00 p.m. on Monday, July 18, 2022
Hearing	10:00 a.m. on Monday, June 13, 2022	10:00 a.m. on Wednesday, July 20, 2022

5. The proposed continuation will delay the currently-scheduled Hearing by a total of two, thirty-five, or thirty-seven days. Movants respectfully submit that a two, thirty-five, or thirty-seven day extension will not prejudice any of the parties or significantly delay advancement of this adversary proceeding.

6. No prior motion requesting the relief sought herein has been filed.

WHEREFORE, PREMISES CONSIDERED, Movants respectfully request that this honorable Court enter an order granting this Motion and continuing the Hearing on Defendants' Motion to Dismiss and associated deadlines to the dates most convenient to the Court.

Respectfully submitted May 17, 2022.

/s/ Christian A. Pereyda

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CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties requesting electronic notice and to the following:

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